

REMARKS

Claims 1-9 are pending in this application. Claim 2 has been amended to clarify the thresholds used for comparison and how the initial downlink transmit power is adjusted relative to the thresholds. Claim 9 has been added to provide additional details regarding the method recited in claim 1.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0106426 to Koo et al. (hereinafter "Koo") in view of U.S. Patent Application Publication No. 2003/0086514 to Ginis et al. (hereinafter "Ginis"). Claims 2 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of U.S. Patent No. 6,529,494 to Ostman et al. (hereinafter "Ostman"). Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and further in view of U.S. Patent Application Publication No. 2004/0141473 to Buot. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and further in view of U.S. Patent No. 6,198,910 to Hanley. Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and Hanley and further in view of U.S. Patent No. 6,175,745 to Bringby. Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Koo and Ginis in view of Ostman and further in view of U.S. Patent No. 6,542,581 to Suonsivu. Claim 7 stands rejected under 35 U.S.C. §103(a)

as being unpatentable over Koo and Ginis in view of Ostman and Suonsivu and further in view of U.S. Patent No. 6,463,295 to Yun.

Koo relates to a method and apparatus for computing transmit power control signals and a bias error value. The error value is constantly updated along with the transmit power control value (paragraph 0018). Since the error value is constantly updated, it is not an adjustment by a "predetermined amount".

The Examiner acknowledges that Koo fails to disclose a method wherein determining whether an increase in the estimated power level would degrade services neighboring cells, as recited in claim 1 of the present invention, and proposes that Ginis discloses such a method. Applicant respectfully disagrees.

Ginis relates to a method and system for managing digital communication systems, and in particular, relates to wired communication systems such as DSL. Ginis addresses the problem of crosstalk interference in wireline communication systems (paragraph 0033). Ginis is non-analogous art per MPEP §2141.01(a), as it is not in the same field of endeavor as the present invention (wireless communications for the present invention, wireline communications for Ginis (see paragraph 0062)). Nor is Ginis pertinent to the problem solved by the present invention (initial downlink transmit power adjustment for non-real time services in a wireless communications network in the present invention as compared to reducing crosstalk interference in wireline communication systems for Ginis). Based

on these differences, the teachings of Ginis are not applicable to the present invention.

With regard to the Examiner's rejection of claim 2 based on Ostman, the Applicant disagrees for the following reasons. Claim 2 recites a method comprising "calculating an estimated slot carrier power; comparing the estimated slot carrier power with at least two thresholds; and adjusting the initial downlink transmit power based on how the estimated slot carrier power compares to the at least two thresholds". Ostman does not teach, disclose, or suggest such a method.

Ostman is directed to a method of making transmit power adjustments that resemble a typical fading event (column 2, lines 23-24 and column 5, lines 20-29). Ostman makes no reference to slot carrier power. More specifically, Ostman makes no reference to calculating an estimated slot carrier power, comparing the estimated slot carrier power with at least two thresholds, or adjusting the initial downlink transmit power based on how the estimated slot carrier power compares to the at least two thresholds. As Ostman does not disclose these elements, the combination of Koo, Ginis, and Ostman does not teach or suggest claim 2.

Based on the foregoing amendments and remarks, the combinations of Koo and Ginis and Koo, Ginis, and Ostman do not lead one of ordinary skill in the art to the invention recited in independent claims 1 and 2. Therefore, the independent claims (i.e., claims 1 and 2) are distinguishable over the cited references. Because

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the independent claims are distinguishable over the cited references, the dependent claims (i.e., claims 3-9) are also distinguishable over the cited references without the need for additional comment.

It is respectfully submitted that the remarks made herein place pending claims 1-9 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1-9 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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